98 U. S. 145; *U. S.* v. *Harmon,* 45 Fed. 414), where such act is done unintentionally there must be moral culpability to constitute crime. *Reg.* v. *Franklin,* 15 Cox C. C. 163; *Com.* v. *Adams,* 114 Mass. 323; *State* v. *Horton,* 139 N. C. 588; *Estell* v. *State,* 51 N. J. L. 182. The distinction must rest, on the one hand, on policy opposed to the admission in normal cases of the ethical issue, and, on the other hand, to repugnance for "constructive crime." The doctrine injects into the law a very broad question of ethics, upon which reasonable men are bound to differ. The Supreme Court of Connecticut seems to have differed from that of North Carolina upon the moral aspects of the liquor traffic, for, although they held intent to sell liquor without a license supplied the necessary intent for conviction of selling adulterated liquor, they put it upon a repudiation of the *malum in se* doctrine, at least where the act intended is criminal and not merely tortious. *State* v. *Stanton,* 37 Conn. 421. Looking more closely at the principal case, it will be seen that it may be said to rest, not upon the ground that the sale of liquor is immoral, but upon the narrower ground that the sale of liquor with knowledge that such sale is prohibited—that is to say, deliberate flouting of the law—is immoral. It will also be apparent that conviction might have rested upon the principle of negligence, that one is bound to know what is a matter of common knowledge. As Justice Holmes said in a similar case, "Common experience is necessary to the man of ordinary prudence, and a man who assumes to act as the defendant did must have it at his peril." *Com.* v. *Pierce,* 138 Mass. 165. See also, *White* v. *State,* 84 Ala. 421; *State* v. *Hardie,* 47 Ia. 647.

DAMAGES—PREDISPOSITION TO DISEASE—PROXIMATE CAUSE.—Plaintiff fell as result of the defendant's negligence. The evidence tended to show that prior to the accident the plaintiff was in apparently good health but had a latent tendency to ulcer of the stomach due to excessive acidity. After the injury an ulcer developed. Defendant asked for an instruction negativing a recovery since the injury merely caused an acceleration of the ulcer and there was no evidence to show how much it was accelerated. *Held,* that the instruction was properly refused. "Where, as here, the latent disease or weakness did not cause pain, suffering, etc. to the plaintiff but such condition plus the fall caused such pain, the fall and not the latent condition is the proximate cause and the plaintiff is entitled to recover the entire damage shown to have resulted from such fall." *Hahn* v. *Delaware, L. & W. R. Co.* (N. J., 1918), 105 Atl. 459.

There is a remark in *Dulieu* v. *White* [1901], 2 K. B. 669, 679, which is very pertinent. In that case the defendant suffered a miscarriage as a result of the fright caused by the defendant's negligence. The court there said that it was immaterial that the defendant did not know her condition: "What does the fact matter? If a man is negligently run over or otherwise negligently injured in his body it is no answer to the sufferer's claim for damages that he would have suffered less injury, or no injury at all, if he had not had an unusually thin skull or an unusually weak heart." The situation in the principal case is precisely the same. In *Vosburg* v. *Putney,* 80 Wis.

523 the plaintiff's leg had to be amputated because of complications following the defendant's touching the plaintiff's shin. The theory of the defence was predicated on the fact that the leg had previously been in a diseased condition. But the court held the defendant liable and approved of the rule that "the wrongdoer is liable for all injuries resulting directly from the wrongful act, whether they could or could not have been foreseen by him." See also *McNamara* v. *Village of Clintonville,* 62 Wis. 207—predisposition to rheumatism making the illness more severe and prolonged; *Baltimore City Passenger Ry. Co.* v. *Kemp,* 61 Md. 74—predisposition to cancer. In the last case the court admitted that the predisposition was an intervening cause but this did not render the defendant any less liable because the "defendant must be supposed to know that it was the right of all classes of people, whether diseased or otherwise, to be carried in their cars, and it must be supposed that they knew that a personal injury inflicted upon anyone with predisposition or tendency to cancer might, and probably would, develop the disease." To the same effect is *Chicago City Ry. Co.* v. *Saxby,* 213 Ill. 274, 68 L. R. A. 164; and cases cited in note 76 to Sec. 1244 of SUTHERLAND ON DAMAGES (4th ed.). It is a related question whether such latent conditions will affect recovery under the WORKMEN'S COMPENSATION ACTS. There is less harmony among these latter cases. However, it would seem that the controlling principles are the same, as was pointed out in the note in 3 MINN. L. REV. 125. True enough, the causes are different, but it is difficult to see why they should operate differently merely because the cause in the one case is a negligent act and in the other it is the accident arising "out of and in the course of employment." Once the accident is brought within the statute the question of cause is identical. Thus, recovery was allowed in *Indianapolis Abbatoir Co.* v. *Coleman,* 117 N. E. 502; and *Lloyd* v. *Sugg* [1900], 1 Q. B. 481. See also the recent case of *Wabash Ry. Co.* v. *Industrial Commission,* 121 N. E. 569 (Feb., 1919). But the contrary was held in *Stombaugh* v. *Peerless Wire Fence Co.,* 198 Mich. 445. And compare *Van Gorder* v. *Packard Motorcar Co.,* 195 Mich. 588.

EMINENT DOMAIN—COMPENSATION—TIME OF VALUATION.—Petition in eminent domain proceedings to take part of plaintiff's land was filed by defendant in July, 1915. The trial to determine the land's value took place in October, 1917. The property had greatly enhanced in value in the interim, and plaintiff claimed the increase. *Held,* one justice dissenting, the fixed rule in Illinois gave compensation as of the time of filing the petition, no matter what the value of the land became thereafter. *City of Chicago* v. *Farwell* (Ill., 1919), 121 N. E. 795.

Owing to constitutional provision, the universal rule in eminent domain proceedings is that the property appropriated is to be paid for at its value at the time of the taking. *Sweaney* v. *U. S.,* 62 Wis. 396; II LEWIS, EMINENT DOMAIN, (3rd Ed.), Sec. 705. Where clear, the language of the condemnation statute in the particular jurisdiction is decisive as to when the taking occurs. *San José, etc. R. R. Co.* v. *Mayne,* 83 Cal. 566; *Lamborn* v. *Bell,* 18 Colo. 346. The date of filing the petition is in several states accepted as the